

In re Appln. of: John DAVIES
Appln. No.: 10/626,187
Attorney docket: 779-X03-002

Group Art Unit: 3743

REMARKS

The comment regarding the claim for priority is acknowledged. A certified copy of the priority document will be filed shortly.

The objection concerning the drawing is noted. It is respectfully pointed out that Figs. 4A and 4B show the boom microphone 15-17 of the head set being slid into the sound or microphone box 14C. Thus, the sound box over the boom microphone is already illustrated and no further illustration is required.

The specification has been appropriately amended to provide consistency, as noted in the Action.

Regarding the claim rejections, pending claims 1 to 14 have been cancelled in favor of new claims 15 to 39, which have been drafted with care to avoid any informalities, particularly the ones noted in the Action. The essential thrust of independent claims 15, 18, 21, 27 and 30 is that a microphone adapter is provided for a respirator having a speech projector and an exhale diaphragm. The microphone adapter comprises a sound tube with a first end designed to be located and held relative to the speech projector to receive speech therefrom at a point downstream of an exhale diaphragm. These claims continue reciting a second open end of the sound tube designed to be coupled with a microphone located outside and adjacent the respirator, whereby, in use, speech emanating from the speech projector is transmitted via the sound tube to the microphone. As evident from the description and the drawings, the boom microphone of the headset worn by the operative is positioned adjacent the mouth of the operative, but outside of the respirator. The purpose of the invention as recited in the claims is to easily couple and decouple the speech coming from the speech projector, downstream of the exhale diaphragm, a short distance to the rear, to the boom microphone of the headset, but adjacent to the operative's mouth, without any impact on the integrity of the

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respirator. The user must be able to put on the respirator **first, and then connect the adapter** in a simple, foolproof way. This inventive purpose and function is not disclosed nor taught in the prior art cited of record, as will be discussed below.

The sound tube has a first open end designed to be located at a point downstream of an exhale diaphragm. This feature allows sound from the user's mouth to be efficiently directed to the microphone lying adjacent his/her mouth, without compromising the integrity of the respirator i.e. it is not necessary to make a hole in the respirator for the sound tube to pass through. Nor is it necessary to connect the sound tube before the respirator is put on. The open end of the sound tube is located also in the vicinity of the speech projector so that the sound emanating from the speech projector is transmitted via the sound tube to the boom microphone, lying adjacent the wearer's mouth, by the sound box that fits over the boom microphone.

Claims objection 35 USC § 102

The Jervmo citation is not an anticipation of the new claims because it cannot meet all the claimed limitations. Jervmo describes a system in which the air inlet 3 of a face mask is pierced with a hole to allow a sound tube 4 to pass through it. The end of the sound tube is not downstream of an exhale diaphragm as required by the claims. This citation is therefore irrelevant to the new claims because it is imperative that the integrity of the respirator be maintained. Also, in Jervmo, there is no speech projector so it fails to anticipate the new claims in this respect.

Claims objection 35 USC § 103(a)

In the action it is argued that it would be obvious to combine the teachings of Cambell with Jervmo. However this is illogical. The emphasis of Campbell is on providing "voicemitters" as shown at 16 and 18 on Fig 1 for the transmission of sound. When the sound needs to be converted to electrical signals, Campbell fits a microphone 64 as shown on Fig 9 into one of the voicemitters. There is, therefore, no incentive to look to Jervmo for a solution to the problem of converting the sound to electrical signals. In any

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event, Jervmo's solution would involve pushing a tube through the outlet valve 25, thus compromising the integrity of the system. It would not result in a system where the end of the sound tube was located at a point downstream of the exhale diaphragm as specified in the new claims, nor to position the first open end where it was located relative to the speech projector as specified in the new claims.

Claims objection 35 USC § 102(b)

Larkin describes a tube 26 which cannot be considered to be a "boom microphone" as specified in the claims. It is although different from the present design in that it is simply a tube leading to a microphone adjacent in the wearer's ear rather than a boom which carries a microphone at its free end as shown in the drawings and described in the specification. Larkin deals with the need to use the microphone when the user is wearing a respirator by making a hole in the respirator as shown in Fig 3 and fitting a special connector 36 in, the hole. The tube 26 can then be pushed onto the connector 36. Larkin cannot be considered relevant to the new claims because the limitations now being claimed distinguish the invention. An essential feature of the invention is that the sound tube can be fitted when the user is wearing the respirator. The sound tube 36 cannot be fitted when the respirator is in use because access to the interior is needed. The point is important because, in the event of a poison gas attack, the user must put on his respirator as the very first priority, i.e. before connecting the microphone.

The dependent claims contain all the limitations from the independent claim from which they depend, and therefore, are patentable.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If any questions regarding this amendment or the application in general remain, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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Please charge to Credit Card (PTO-2038) enclosed the amount of \$300.00 for eleven additional claims over the highest amount paid.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 779-X03-002)

Respectfully submitted,



Martin Fleit, Reg. #16,900

Enclosures

Martin Fleit
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
601 Brickell Key Drive Suite 404
Miami, Florida 33131
Tel: 305-416-4490; Fax: 305-416-4489
e-mail: MFleit@FocusOnIP.com